

**BEFORE THE
STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

Application for Certification
For the San Francisco
Electric Reliability Project

Docket No. 04-AFC-1

**SECOND SET OF DATA REQUESTS
OF CALIFORNIANS FOR RENEWABLE ENERGY, INC. (CARE)**

Pursuant to Title 20, California Code of Regulations, section 1716, Californians for Renewable Energy, Inc. (CARE) requests the information specified in the enclosed data requests. Additionally, as the City and County of San Francisco (CCSF or the Applicant) is a public agency, we hereby submit this written request under the California Public Records Act. The information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed and operated in compliance with applicable regulations, 3) assess whether the project will result in significant environmental impacts, 4) assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner, and 5) assess potential mitigation measures and alternatives.

II.

In response to CARE's first set of data requests on the applicant in the above captioned proceeding the City and County of San Francisco (CCSF) filed the following response to CARE requests for information.

Request 1.5. The City objects to the request as argumentative and misleading, irrelevant to the SFERP, unclear, and overly broad and burdensome, particularly in light of the definitions and instructions. The City objects to requests 1.5(e) and (f) as inapplicable since the City is not a recipient of government grant funds from the City. Notwithstanding this objection, the City will list the key people within the City who are responsible for administering environmental justice grant funds.

Request 1.6. The City objects to the request as argumentative and misleading, irrelevant to the SFERP, unclear, and overly broad and burdensome, particularly in light of the definitions and instructions. The City objects to requests 1.6(b) and (c) as inapplicable since the City is not a recipient of government grant funds from the City. Notwithstanding this objection, the City will list the key people within the City who are responsible for administering environmental justice grant funds.

For the purposes of more clarity on CARE's first set of data requests 1.5 and 1.6 we have added number 12 to our list of definitions as "*Recipient of government grant funds from CCSF*" in this case means Intervenor in the above captioned proceeding SF Community Power, and Greenaction for Health & Environmental Justice.

Furthermore, recent events surrounding the California Secretary of State involving illegal campaign contributions from a purported tax-exempt non-profit corporation as disclosed by the San Francisco Chronicle on August 8th, 2004¹ titled *Secretary of State Shelley received dubious donations S.F. nonprofit that got big state grant brokered by politician is linked to sources who gave \$100,000 to his campaign* which we contend makes CCSF's response to CARE's data request highly relevant in our opinion to the above captioned proceeding.

A San Francisco nonprofit group paid \$108,000 from a state grant to two individuals and two companies who then made donations of nearly identical amounts to Kevin Shelley's successful 2002 campaign for California secretary of state.

The money came from a \$500,000 taxpayer-financed grant that Shelley himself arranged in 2000 when he was majority leader in the Assembly.

The state awarded the grant to the San Francisco Neighbors Resource Center, a nonprofit organization founded to serve Asian immigrants by Julie Lee, a Shelley political ally who is also president of the city's Housing Authority commission.

The money was earmarked to pay for construction of a community center in the Sunset District, but the center was never built.

¹ <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2004/08/08/MNG3L84PD51.DTL>

The donations to Shelley's campaign appear to raise questions about possible violations of state and federal laws. Under the state Political Reform Act, it is illegal to hide the true source of campaign contributions by channeling money through other donors. Under state law, it is illegal to use taxpayer money for political campaigns. Federal law also prohibits charities with tax-exempt status, like the center, from contributing to political campaigns.

As a bona fide tax exempt corporation CARE naturally wishes to know whether or not SF Community Power, and Greenaction for Health & Environmental Justice are protecting the interests for those whom they purportedly have intervened in the above captioned proceeding to protect, the Bay View Hunters Point and Potrero Hill communities in San Francisco? By providing CARE an accounting by CCSF of what expenditures were made with the funds SFE granted to SF Community Power (\$1,500,000), and Greenaction for Health & Environmental Justice (\$200,000) for purported "environmental justice" purposes we are then able to determine for whose interest they are truly participating in these proceedings, for this low-income community of color, or the Applicant, CCSF. Further, it provides our Bay View Hunters Point membership an opportunity to ascertain that none of these grant funds went to partisan political purposes as apparently has already occurred, as evinced by the above news report.

Respectfully submitted,



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August 28th, 2004

DEFINITIONS AND INSTRUCTIONS

A. Definitions

1. “*ISO*” means the California Independent System Operator.
2. “*CCSF*” means the City and County of San Francisco or any other governmental entity controlled or appointed by the mayor or City and County of San Francisco including but not limited to the San Francisco Redevelopment Agency.
3. “*SFE*” means San Francisco Department of Environment
4. “*CEC*” means the California Energy Commission.
5. “*CPUC*” means California Public Utilities Commission.
6. “*Communication(s)*” includes all verbal and written communications of every kind, including but not limited to telephone calls, conferences, and correspondence, and all memoranda concerning the requested communication.
7. “*Document(s)*” refers to all writings and records of every type in your possession, control, or custody, including but not limited to: testimony and exhibits, memoranda, correspondence, letters, reports (including drafts, preliminary, intermediate, and final reports), surveys, analyses, studies (including economic and market studies), summaries, comparisons, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, diaries, log sheets, ledgers, transcripts, microfilm, microfiche, computer data, computer files, computer tapes, computer inputs, computer outputs and printouts, vouchers, accounting statements, budgets, workpapers, engineering diagrams (including "one-line" diagrams), mechanical and electrical recordings, telephonic and telegraphic communications, speeches, and all other records, written, electrical, mechanical, or otherwise and drafts of any of the above.

“*Document(s)*” includes the following:
 - a. copies of documents, where the originals are not in your possession, custody or control;
 - b. every copy of a document which contains handwritten or other notations or which otherwise does not exactly duplicate the original or any other copy.
 - c. any attachments or appendices to any document.
8. “*Identification*” and “*identify*”:

- a. when used with respect to a document, include stating the nature of the document (*e.g.*, letter, memorandum, corporate minutes), the date, if known, on which the document was prepared, the title of the document, the general subject matter of the document, the number of pages in the document, the identity of each person who wrote, dictated, or otherwise participated in the preparation of the document, the identity of each person who signed or initialed the document, the identity of each person to whom the document was addressed, the identity of each person who reviewed or revised the document, the location of the document, and the identity of each person having possession, custody, or control of the document.

“Identification” of a document includes identifying all documents known or believed to exist whether or not they are in your custody.

- a. when used with respect to a person, include stating (i) his or her full name, (ii) his or her most recently known business address and telephone number, or if that is not available, the most recently known home address and telephone number, (iii) his or her present title and position, and (iv) his or her present and prior connections or associations with any participant or party to this proceeding.
- b. when used with respect to a communication, include stating (i) the date of the communication, (ii) the type of communication, (iii) the identity of the persons who made and received the communication, (iv) the persons present when the communication was made, and (v) to the extent not provided in a document, the substance of the communication.

9. *“Participant”* means any party to this proceeding or any employee of the Commission assigned to present the position of the Commission staff in the proceeding before the Commission.

10. *“Party”* means, with respect to a proceeding

- a. a person filing any application, petition, tariff or rate filing, complaint, or any protest.
- b. any respondent to a proceeding; or

11. *“Person”* refers to, without limiting the generality of its meaning, every natural person, corporation, partnership, association (whether formally organized or *ad hoc*), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency, or any other group or other organization.

12. *“Recipient of government grant funds from CCSF”* in this case means Intervenor in the above captioned proceeding SF Community Power, and Greenaction for Health & Environmental Justice.

B. Instructions

1. These data requests call for all information, including information contained in documents, which relates to the subject matter of the data requests and which is known or available to you. If there is no responsive information or document, please so state.
2. Where a data request has a number of separate subdivisions or related parts or portions, a complete response is required to each subdivision, part, or portion. Any objection to a specific data request should clearly indicate the subdivision, part, or portion of the data request to which it is directed.
3. If a data request specifically requests an answer in response rather than the production of documents, an answer is required. The production of documents will not suffice.
4. If information requested is not available in the exact form requested, provide such information or documents as are available that best respond to the data request.
5. Publicly available documents: If information requested is publicly available on the internet, the exact Web address of the responsive information may be provided in lieu of producing the document; provided, however, that access to the document shall not require any type of registration through such Web site.
6. These data requests are continuing in nature and require supplemental responses when further or different information with respect to the same is obtained.
7. Each response should be furnished on a separate page headed by the individual data request number being answered. Individual responses of more than one page should be stapled or bound and each page consecutively numbered.
8. In each response, including the production of all documents, designate the data request(s) being answered, using the same number used by CARE in these data requests.
9. Each data request to, “Provide all documents . . . “ or similar phrases includes a request for the “identification” (*see* Definitions) of all such documents. To the extent that a document is self-identifying, it need not be separately identified.
10. For each document produced or identified in a response which is computer generated,

state separately (i) what types of data, files, or tapes are included in the input and the source thereof, (ii) the form of the data which constitutes machine input (*e.g.*, punch cards, tapes), (iii) a description of the recordation system employed (including program descriptions, flow charts, *etc.*), and (iv) the identity of the person who was in charge of the collection of input materials, the processing of input materials, the data bases utilized, and the programming to obtain the output.

11. If a data request can be answered in whole or in part by reference to the response to another data request served in this proceeding, it is sufficient to so indicate by specifying the other data request by participant and number, by specifying the parts of the other response which are responsive, and by specifying whether the response to the other data request is a full or partial response to the instant data request. If it constitutes a partial response, the balance of the data request must be answered.
12. If you cannot answer a data request in full, after exercising due diligence to secure the information necessary to do so, state the answer to the extent possible, state why you cannot answer the data request in full, and state what information or knowledge you have concerning the unanswered portions.
13. If, in answering any of these data requests, you believe that any data request or definition or instruction applicable thereto is ambiguous, set forth the language you believe is ambiguous and the interpretation you are using in responding to the data request.
14. If a document requested is unavailable, identify the document, describe in detail the reasons the document is unavailable, and state where the document can be obtained.
15. If you assert that any document responsive to a data request has been destroyed, state when and why it was destroyed, identify the person who directed the destruction, and identify all documents relevant to the destruction or the explanation. If the document was destroyed pursuant to your document retention/destruction program, identify and produce a copy of the guideline, policy or company manual describing such retention/destruction program.
16. Where a data request seeks information by year or years, indicate whether the information is provided on a calendar or fiscal year basis. If provided on a fiscal year basis, state the dates on which each fiscal year begins and ends.
17. If you refuse to respond to any discovery request by reason of a claim of privilege, or for any other reason, state in writing the type of privilege claimed and the facts and circumstances you rely upon to support the claim of privilege or the reason for refusing to respond. To the extent you assert a claim of privilege with respect to any responsive documents, please provide an index identifying each of those documents, that includes the

date of each individual document, its title, its recipient(s) and its sender(s), a summary of the contents of the document and the basis of claim of privilege.

18. Each response must be verified under oath in writing and each document produced shall be verified under oath in writing as being an authentic original document or a true duplicate of an authentic original document.
19. Identify the person responsible (whether primarily or indirectly) for preparing and providing each response. If a data request is directed to the testimony or an exhibit of a witness and is answered by another person, please state whether the witness agrees with the response.
20. If no document is responsive to a data request, then so state. In each such instance the data request should be treated as an interrogatory; thus, provide a full and detailed explanation of the rationale, support, or basis underlying the information included in filings with the Commission, or underlying the position you have taken on the issue, which relates to the subject of the request.
21. The singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular whenever appropriate in order to bring within the scope of these data requests any information or documents which might otherwise be considered to be beyond its scope.
22. Any reference to the Party to whom the data request was addressed also includes any merged or consolidated predecessors or predecessor in interest; subsidiaries past or present; and all persons acting under contractual arrangements with or acting on behalf of the Party to whom the data request was addressed.

CARE'S SECOND SET OF DATA REQUESTS TO CCSF

CARE/CCSF 2.1

- a. Provide in electronic format when available all data and/or documents that CCSF or SFE has provided to or received from Greenaction for Health & Environmental Justice in regards to the \$150,000 received in order to “Empower [the San Francisco Bayview Hunters Point] community to play a role and make an impact on the neighborhood through outreach, education and advocacy for the following: The shutdown of power plant and increased energy conservation/efficiency and renewables”, and the \$50,000 for “continuation of the Green Energy Environmental Justice Project, Greenaction will conduct outreach in Bayview Hunters Point to promote energy conservation and support the shut down of the Hunters Point Power Plant. Greenaction will work to ensure the community will be able to influence government decisions surrounding energy issues.” Data and documentation should include any contract(s), cost analysis, budget, time sheets, receipts for materials, goods, and services performed, include all revenue and expense records reports provided by the Grant Recipient with full justification for all expenditures made for the purported benefit of the San Francisco Bayview Hunters Point Community.
- b. Greenaction, is a recipient of government grant funds from CCSF, provide all communications and/or documents relating to the recipient’s agreement to hold CCSF harmless from legal action by the recipient in return for said grant(s).
- c. Greenaction, is a recipient of government grant funds from CCSF, provide all communications and/or documents relating to the recipient’s actions to shut down PG&E’s Bayview Hunters Point and or support siting of three CCSF owned gas fired combustion turbines (CTs) at the Mirant Potrero Hill power plant site in Southeast San Francisco.
- d. Identify all persons responsible for developing any agreements, policies, strategies, comments and/or testimony before the CCSF and /or SFE or other Agency in regards to the Grant(s).

CARE/CCSF 2.2

- a. Provide in electronic format when available all data and/or documents that CCSF or SFE has provided to or received from San Francisco Community Power Cooperative \$1,500,000 for the purported “Creation of an energy-cooperative in BVHP and Potrero Hill. Education of energy reduction measures and implementation of energy saving strategies. Train residents on co-op jobs such as community organizing, energy audits and installation.” Data and documentation should include any contract(s), cost analysis, budget,

time sheets, receipts for materials, goods, and services performed, include all revenue and expense records reports provided by the Grant Recipient with full justification for all expenditures made for the purported benefit of the San Francisco Bayview Hunters Point Community.

- b. San Francisco Community Power, is a recipient of government grant funds from CCSF, provide all communications and/or documents relating to the recipient's agreement to hold CCSF harmless from legal action by the recipient in return for said grant(s).
- c. San Francisco Community Power, is a recipient of government grant funds from CCSF, provide all communications and/or documents relating to the recipient's actions taken for the creation of an energy-cooperative in BVHP and Potrero Hill, education of energy reduction measures and implementation of energy saving strategies. Evidence of training BVHP residents on co-op jobs such as community organizing, energy audits and installation with evidence of employment or other positive outcome provide all documentation.
- d. Identify all persons responsible for developing any agreements, policies, strategies, comments and/or testimony before the CCSF and /or SFE or other Agency in regards to the Grant.

Verification

I am an officer of the Intervening Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 28th day of August 2004, at Soquel, California.



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